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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

v.

CAPELLA PHOTONICS, INC.,

Defendant.

Case No. 20-CV-01858-LHK

**SUA SPONTE JUDICIAL REFERRAL  
FOR PURPOSE OF DETERMINING  
RELATIONSHIP**

Re: Dkt. No. 12

On March 12, 2020, Plaintiff Cisco Systems, Inc. (“Plaintiff”) filed a motion to relate the above-entitled case to a previously filed case, *Cappella Photonic, Inc. v. Cisco Systems, Inc.*, Case No. 14-CV-03348-EMC. ECF No 12 at 1. Plaintiff contends that “[t]he patents-in-suit in the Current Litigation share a common specification with, and have claims amended from, the patents-in-suit in the prior litigation.” *Id.* at 2. Nonetheless, Plaintiff failed to comply with Civil Local Rule 3-12(b), which states that Plaintiff must file an administrative motion to consider whether cases should be related “in the lowest-numbered case.” Instead, Plaintiffs filed the motion to relate in the higher numbered case.

Pursuant to Civil Local Rule 3-12(c), the above-entitled case is referred to Judge Chen for a determination of whether the case is related to *Cappella Photonic, Inc. v. Cisco Systems, Inc.*,

1 Case No. 14-CV-03348-EMC.

2 **IT IS SO ORDERED.**

3 Dated: April 1, 2020

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5 LUCY H. KOH  
6 United States District Judge

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